IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 553 OF 2007
(Dakram Tukaram Kohade vs. Education Officer (Primary) and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D. SINHA AND
SMT. VASANTI A. NAIK, JJ.

DATED : NOVEMBER 26, 2007

Heard Shri Narnaware, learned Counsel for the petitioner, Shri Bapat, learned Counsel for the respondent no.2, and Shri Gupta, learned Counsel holding for Shri Patil, learned Counsel for the respondent no.4.

Shri Narnaware, learned Counsel for the petitioner, states that caste claim of the petitioner as belonging to `Halba' (Scheduled Tribe) is pending with respondent no.4 since January 2007. However,

till this date the Caste Scrutiny Committee has not taken any decision on merits. It is submitted that in the meanwhile, the employer of the petitioner, i.e. respondent no.2 issued the impugned communication dated 6.1.2007 whereby petitioner is informed that if petitioner fails to submit caste validity certificate within a period of eight days from the date of receipt of such communication, the petitioner would be dismissed from service. It is further submitted that this Court vide order dated 21.2.2007 granted ad interim stay in terms of prayer clause (ii) of the petition whereby effect and operation of the impugned communication dated 6.1.2007 is stayed. It is prayed that the Caste Scrutiny Committee may be directed to decide the caste claim of the petitioner on merits within a stipulated period and till then, ad interim stay granted by this Court may be continued.

In the backdrop of the above referred facts, it is evident that caste claim of the petitioner is pending with the Caste Scrutiny Committee for taking decision on merits. In the circumstances, we

dispose of the petition with direction to respondent no.4 Caste Scrutiny Committee to decide the caste claim of the petitioner on its own merits according to law and procedure applicable in this regard within a period of four weeks from the date of communication of this order. The ad interim relief granted by this Court vide order dated 21.2.2007 shall continue to operate till then and shall cease to operate thereafter automatically.

JUDGE JUDGE

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